

STANDARD APPLICATION
Harford County
Board of Appeals

Bel Air, Maryland 21034

HARFORD COUNTY COUNCIL

RECEIVED

SEP 28 2005

Case No. 5516

Date Filed _____

Hearing Date _____

Receipt _____

Fee \$ 450

Shaded Areas for Office Use Only

Type of Application

- ☐ Administrative Decision/Interpretation
☐ Special Exception
☐ Use Variance
☐ Change/Extension of Non-Conforming Use
☐ Minor Area Variance
☐ Area Variance
☒ Variance from Requirements of the Code
☐ Zoning Map/Drafting Correction

Nature of Request and Section(s) of Code _____

CASE 5516 MAP 34 TYPE Variance

ELECTION DISTRICT 03 LOCATION 1908 Lincoln Road, Forest Hill 21050

BY Greg and Candice Stephens

Appealed because a variance pursuant to Sec. 267-36(B) Table IV of the Harford County Code to permit an addition to encroach the 40' front yard setback (26' setback proposed), in the R1 District, requires approval by the Board.

NOTE: A pre-conference is required for property within the NRD/Critical Area or requests for an Integrated Community Shopping Center, a Planned Residential Development, mobile home park and Special Exceptions.

Owner (please print or type)

Name Greg S. Stephens Jr. Phone Number (410) 638-0066
Address 1908 Lincoln Rd. Forest Hill MD 21050
Street Number Street City State Zip Code

Co-Applicant Candice A. Stephens Phone Number 410-638-0066
Address 1908 Lincoln Rd. Forest Hill MD 21050
Street Number Street City State Zip Code

Contract Purchaser _____ Phone Number _____
Address _____
Street Number Street City State Zip Code

Attorney/Representative _____ Phone Number _____
Address _____
Street Number Street City State Zip Code

Land Description

Address and Location of Property 1908 Lincoln Rd. Forest Hill, Harford County,
Maryland. 21050

Subdivision Hickory Hill, Section 1

Lot Number 4 Block C

Acreage/Lot Size .6 Acreage Election District 03

Zoning R 1

Tax Map No. 34 Grid No. 4A Parcel # 272 Water/Sewer: Private ☒ Public ☐

List ALL structures on property and current use: Black Bear-Shed, Home & Attached Car
port

Estimated time required to present case: 10 min.

If this Appeal is in reference to a Building Permit, state number N/A

Would approval of this petition violate the covenants and restrictions for your property? _____

Is this property located within the County's Chesapeake Bay Critical Area? Yes _____ No ☒

If so, what is the Critical Area Land Use designations: _____

Is this request the result of a zoning enforcement investigation? Yes _____ No ☒

Is this request within one (1) mile of any incorporated town limits? Yes _____ No _____

Request

Justification

If additional space is needed, attach sheet to application. In answering the above questions, please refer to the Requirements that pertain to the type of approval request. (Special Exception, Variance, Critical Area or Natural Resource District (NRD) Variance, etc.)

Request

I am requesting a variance for my property on 1908 Lincoln Rd, Forest Hill MD 21050.
I am requesting to be given a variance so that I may. Remove the roof off my existing car port and use the existing concrete footers & block foundation to build a two story addition to my home.

The two story addition will consist of a two car garage and master bed room suite.
The above mentioned car port already encroaches the forty foot min. building set back and has done so since 1960 when the construction of the dwelling commenced.

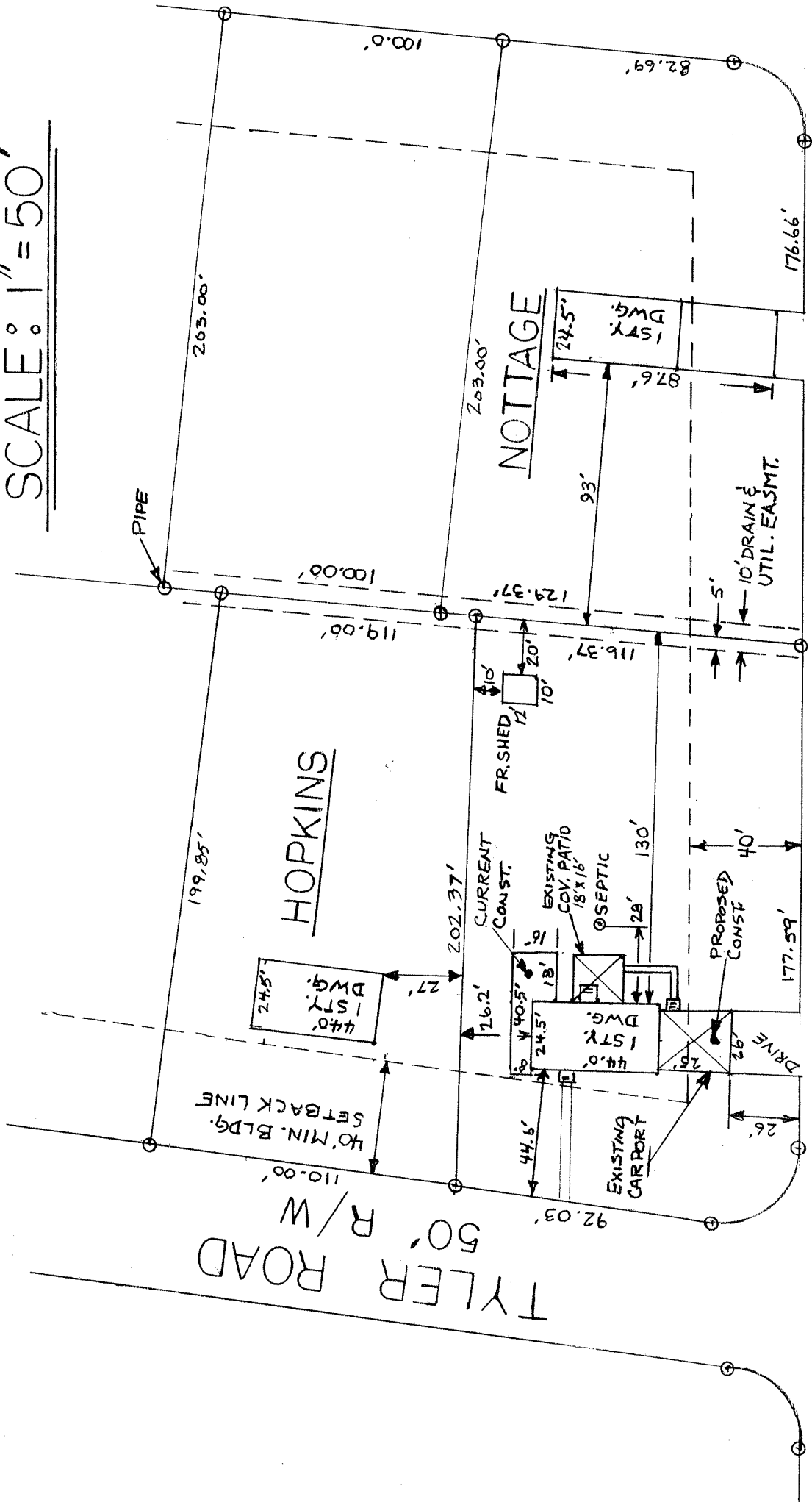
Justification

I feel my request is justifiable for the following reasons.

- 1) I suffer two road front min. building set backs on my property. One of which is in my side yard and is the area I am seeking the variance. The other is in my front yard and the set back consumes enough area that I can not build there with out a variance.
- 2) The area that I am seeking to use is already and has been encroaching the min. building set back since the structure/dwelling was built in 1960.
- 3) I am unable to use much of my back yard do to the placement of my septic tank and drain field.
- 4) The existing car port roof framing has been exposed to insects and weather since it's erection in 1960. Above mentioned materials need to be replaced due to reason above, which will require a variance and building permit.
- 5) Many of the dwellings in my sub division do not meet the min. building set back. This can be seen on attached aerial photograph #1.
- 6) To my knowledge the min. building set back was designed to allow for future road expansion. If traffic load required such expansion. But as shown on attached aerial photograph #2, my subdivision has been blocked off by the surrounding subdivisions and properties.

HICKORY HILLS

SCALE: 1"=50'



LINCOLN ROAD
50' R/W

DAVID R. CRAIG
HARFORD COUNTY EXECUTIVE

LORRAINE COSTELLO
DIRECTOR OF ADMINISTRATION



Anthony S. McClune
Acting Director of Planning & Zoning

HARFORD COUNTY GOVERNMENT

Department of Planning and Zoning

November 2, 2005

STAFF REPORT

BOARD OF APPEALS CASE NO. 5516

APPLICANT/OWNER: Greg S. Stephens Jr.
1908 Lincoln Road, Forest Hill, Maryland 21050

Co-APPLICANT: Candice A. Stephens
1908 Lincoln Road, Forest Hill, Maryland 21050

REPRESENTATIVE: Applicants

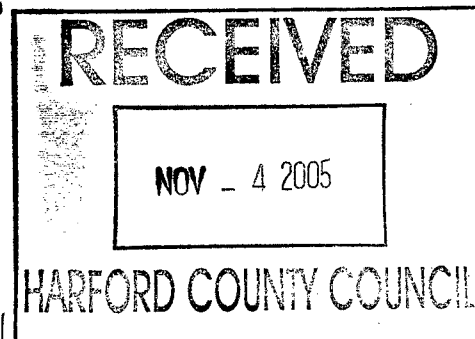
LOCATION: 1908 Lincoln Road – Hickory Hill – Section 1
Tax Map: 34 / Grid: 4A / Parcel: 272 / Lot: 4
Election District: Three (3)

ACREAGE: 0.6 of an acre

ZONING: R1/Urban Residential District

DATE FILED: September 23, 2005

HEARING DATE: November 16, 2005



APPLICANT'S REQUEST and JUSTIFICATION:

Request:

See ATTACHMENT 1.

Justification:

See ATTACHMENT 2

~ Preserving Harford's past; promoting Harford's future ~

MY DIRECT PHONE NUMBER IS (410) 638-3103

220 SOUTH MAIN STREET BEL AIR, MARYLAND 21014 410.638.3000 • 410.879.2000 • TTY 410.638.3086 • www.harfordcountymd.gov

THIS DOCUMENT IS AVAILABLE IN ALTERNATIVE FORMAT UPON REQUEST.

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Greg and Candice Stephens

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CODE REQUIREMENTS:

The Applicants are requesting a variance pursuant to Section 267-36(B) Table IV of the Harford County Code to permit an addition to encroach the 40-foot front yard setback (26-foot setback proposed), in the R1/Urban Residential District.

Enclosed with the report is a copy of Section 267-36(B) Table IV of the Harford County Code (Attachment 3).

LAND USE and ZONING ANALYSIS:

Land Use – Master Plan:

The Applicant's property is located north of Bel Air. It is situated west of Johnson Mill Road, on the northeast corner of Lincoln Road and Tyler Road. A location map and a copy of the Applicant's site plan are enclosed with the report (Attachments 4 and 5).

The property is located outside of the Development Envelope in an area designated as Rural Residential. The Natural Features Map reflects Parks, Sensitive Species Project Review Areas, and Agricultural Preservation Districts and Easements. The subject property is designated as Rural Residential which is defined by the 2004 Master Plan as:

Rural Residential – Areas of focused rural development within the agricultural area, which allow low intensity residential opportunities while maintaining the character of the surrounding countryside. Water and sewer services are not planned for these areas. Residential density is limited to 1.0 dwelling unit per 2 acres.

Enclosed with the report are copies of portions of the 2004 Land Use Map and the Natural Features Map (Attachments 6 and 7).

Land Use – Existing:

The land uses in this area of the County conform to the overall intent of the 2004 Master Plan. The topography of the area ranges from rolling to steep especially near the stream valleys. The land uses immediately surrounding the subject property include residential, institutional and agricultural. Further to the south the land uses include residential, industrial, retail, restaurants, and automotive. A topography map and a aerial photograph are enclosed with the report (Attachments 8 and 9).

The subject property is approximately 0.6 of an acre in size, rectangular in shape with road frontage on Lincoln and Tyler Roads. The topography of the lot is moderately sloping. It slopes down from left to right as you face the lot from Tyler Road and from front to rear as you face the lot from Lincoln Road. Improvements consist of a brick and frame single-family rancher that

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faces Tyler Road. The home is currently undergoing major renovations. Attached to the right side of the dwelling is an existing 2-car carport. If the variance is approved the carport is to be removed and replaced with a garage with a room above. Attached to the rear of the dwelling is roof covered patio and attached to the left side is a room addition (library) that wraps around a portion of the rear of the dwelling (see Attachment 10). Other improvements consist of a frame shed in the rear corner of the lot, a split rail fence around the rear yard, a well and septic system and a blacktopped driveway. Enclosed with the report are site photographs along with an enlargement of the aerial photograph (Attachments 11 and 12).

Zoning:

The zoning classifications in the area are generally consistent with the 2004 Master Plan as well as the existing land uses. The zoning classifications include AG/Agricultural, RR/Rural Residential, R1, R2 and R3/Urban Residential Districts, and B3/General Business District. The subject property is zoned R1/Urban Residential District as shown on the enclosed copy of the Zoning Map (Attachment 13).

SUMMARY:

The Applicant's are requesting a variance pursuant to Section 267-36(B) Table IV of the Harford County Code to permit an addition to encroach the 40-foot front yard setback (26-foot setback proposed), in the R1/Urban Residential District.

Variances of this nature may be approved by the Board of Appeals pursuant to Section 267-11 of the Harford County Code, provided it finds by reason of the uniqueness of the property or topographical conditions that literal enforcement of the Code would result in practical difficulty and undue hardship. Further, the applicant must show that the request will not be substantially detrimental to adjacent properties or will not materially impair the purpose of the Code or the public interest.

The Department finds that the subject property is unique. The lot is a corner lot and is subject to two front yard setbacks. The lot slopes significantly from left to right as you face the front of the dwelling. According to the Department's records the carport has existed in the current location for over 20 years. The proposed location of the garage is the most practical location. The proposed garage and addition are consistent with the other structures in the neighborhood. The request, if approved, will not have an adverse impact on the intent of the code or the adjacent properties.

RECOMMENDATION and or SUGGESTED CONDITIONS:

The Department of Planning and Zoning recommends that the request be approved subject to the following conditions:

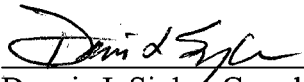
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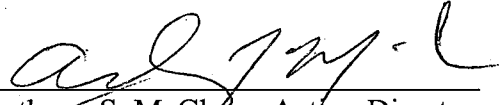
Greg and Candice Stephens

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1. The Applicant shall obtain all necessary permits and inspections during the construction of the 2 car garage and room addition.
2. The garage and addition shall use material that match the exterior of the remainder of the dwelling.



Dennis J. Sigler, Coordinator
Zoning & Board of Appeals Review



Anthony S. McClune, Acting Director
Department of Planning and Zoning

DJS/ASM/jf